IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 1778 of 1997

Between:

P.Kondala Rao sonof Malakondaiah

Aged about 44 yrs,Edagali post and village

Surveypallivia Venkatachalam mandal,Nellore dist.

... PETITIONER

AND

1.Government of A.P. rep. By its Secretary,

Agriculture & co-op.Department, Secretariat,Hyderabad.

2.The Commissioner for Co-operation and Registrar of

Co-op Societies A.P.Gruhakalpa,Hyderabad.

3.The District Co-operative Officer, Nellore,Nellore district.

4.The President,The Damaramadugu PACS Ltd.,Damaramadugu

Post and village,Buchi reddy palem mandal,Nelloredt.

5.The President, The Idimepally PACS,Edegali village

and post,Venkatachalam mandal,Nellore dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in not paying the petitioner the pay in accordance with the new scales as per the Government Memo No.5661/Co-op.III/2/91/1, dated 14-10-1991 of the 1st respondent as highly illegal, arbitrary, unjust , void and violative of Article 14 of the Constitution of India and consequently direct the respondent to pay the new scale to the petitioner as per the Government memo dt.14-10-1991.

Counsel for the Petitioner: MR.S.SIVA PRASAD

Counsel for the Respondents 1 to 3:G.P. for Co-operative

Counsel for the Respondent No.4: MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondent No.5: None appeared

The Court made the following :

ORDER

1. This Writ Petition is filed by the petitioner who is Paid Secretary and who was allotted to the fourth respondent after decaderisation of Paid Secretaries.

2. The grievance of the petitioner is that the fourth respondent society has not

implemented the Government Memo No.5661/Co-Op.III/2/91-2, dated 14-10-1991, though the said Memo was implemented with reference to all other similarly placed Paid Secretaries.

3. The counsel appearing for the fourth respondent has stated that subsequent to the Memo referred to in the Writ Petition, the Government issued another Memo, dated 21-02-1992 keeping the earlier Memo, dated 14-10-1991 in abeyance, and, in fact, according to him the issue was directed to be taken for consideration and for fixing up the scales.

4. On behalf of the Official respondents, a counter has been filed, disputing the maintainability of the Writ Petition itself, as the relief sought for is against the Co-operative society by its employee. It is stated that the issue was considered by the Full Bench of this Court which was reported in ***SRI KONASEEMA CO-OPERATIVE CENTRAL BANK LIMITED v N.SEETHARAMA RAJU*** and in view of the same, the Writ itself is not maintainable.

5. In that view of the matter, the Writ Petition is dismissed as not maintainable. However, the petitioner is directed to make a representation to the third respondent, and, on such representation being made, the third respondent is directed to consider the said representation as to the petitioner's entitlement with reference to the scales of pay for which the petitioner has pleaded and pass appropriate orders expeditiously. No costs.

29-07-2004.

Hsd/Kvh

Assistant Registrar

//true copy//

Section officer

To,

1.The Secretary,Agriculture & co-op.Department, Government of A.P Secretariat,Hyderabad.

2.The Commissioner for Co-operation and Registrar of

Co-op Societies A.P.Gruhakalpa,Hyderabad.

3.The District Co-operative Officer, Nellore,Nellore district.

4. 2 C.Cs to G.P. for Co-operative, High Court Buidlings,Hyderabad (OUT)

5. 2 C.D.copies.